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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,485	12/20/2000	Richard G. Morton	2000-00871-1	9464

7590 01/12/2005  
ALBERT P. CEFALO AND WILLIAM CRAY  
CYMER, INC. LEGAL DEPT. MS/4-2C  
17075 THORN MINT COURT  
SAN DIEGO, CA 92127

EXAMINER

MONBLEAU, DAVIENNE N

ART UNIT PAPER NUMBER

2878

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/742,485	MORTON, RICHARD G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Davienne Monbleau	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

  
**DAVID PORTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: MPEP 1206 (page 1200-12) states that "the appeal will be dismissed if the appellant does not timely file an amended brief, or files an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified in the Notification of Non-Compliance With 37 CFR 1.192 (c)." Examiner had indicated in a second Notification of Non-Compliance mailed on 7/8/04 that the brief did not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing by reference characters. In response to this, appellant replaced that section with a six page explanation of the claimed invention. While there was reference to the specification by page and line number and to the drawings by Figure numbers, this statement is no longer concise and contains information that is not the claimed invention. This section, in fact, was presented in the original brief that was filed on 4/15/04, to which the Examiner replied with a first Notification of Non-Compliance.

The MPEP 1206 further requires that the summary of invention be a "concise explanation of the invention defined in the claims involved in the appeal" and that it "refer to the specification by page and line number, and, if there is a drawing, to the drawing by reference characters." Also, "where applicable, it is preferable to read the appealed claims on the specification and any drawing." Appellant's newly submitted brief does not comply with this requirement. Appellant's Statement of the Invention is not concise, but rather six pages long, and includes information relating to prior art devices, experimental results, and discussion on the overall status/problems of the art. This does not enable the Board to more quickly determine where the claimed subject matter is described in the application.

Therefore, since this brief does not overcome all the reasons for noncompliance, in addition to the fact that the time for possible extensions has passed, this brief is dismissed and the application is abandoned..